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## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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## **NOTICE OF APPEAL**

360networks Corporation, pursuant to 28 U.S.C § 158(a) and Fed. R. Bankr. P. 8001(a) hereby appeals to the United States District Court for the Southern District of New York, from the order of the Bankruptcy Court expunging claim no. 5 of 360networks Corporation, entered as docket number 951 in this case on January 2, 2008, the post-trial decision expunging claim no. 5, entered as docket number 946 in this case on December 13, 2007, the opinion and order of the Bankruptcy Court granting in part and denying in part cross-motions for summary judgment, entered as docket number 642 in this case on June 28, 2005, and the opinion and order of the bankruptcy judge granting limited reargument, but upon reargument, adhering to the original decision, entered as docket number 690 in this case on November 10, 2005.

The opposing party to the order appealed is Robert L. Geltzer, Chapter 7 Trustee, represented by Jonathan L. Flaxer and Adam C. Silverstein of Golenbock Eiseman Assor Bell & Peskoe LLP 437 Madison Avenue New York, New York 10022 (212) 907 7300.

Dated: January 11, 2008

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